

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas A. Ward III
Jennifer R. Ward
aka Jennifer R. Gabler
Debtor(s)

Bankruptcy Case No.: 20-22788-CMB
Per April 8, 2021 Proceeding
Chapter: 13
Docket No.: 31 - 2, 25
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 28, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2442.00 as of April, 2021. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the modified plan interest in a monthly amount to be determined by Trustee to pay in full: First National Bank (CI #5).

The secured claim(s) of the following creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record: Quicken Loans (CI #10).

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: April 9, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Thomas A. Ward, III
Jennifer R. Ward
Debtors

Case No. 20-22788-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Apr 09, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 36

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 11, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Thomas A. Ward, III, Jennifer R. Ward, 24 2nd Street, Ligonier, PA 15658-8759
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15293251	+ AHN-Forbes Hospital, 2570 Haymaker Road, Monroeville, PA 15146-3513
15293252	+ Barclays Bank Delaware, Attn: Bankruptcy, P.O. Box 8801, Wilmington, DE 19899-8801
15300572	Clearview FCU, Moon Township, PA 15108
15293255	Clearview FCU, 1453 Beers School Road, Coraopolis, PA 15108
15293259	+ EdFinancial Services, Attn: Bankruptcy, P.O Box 36008, Knoxville, TN 37930-6008
15293261	+ First National Bank, 4140 East State Street, Hermitage, PA 16148-3401
15296692	+ First National Bank of Pennsylvania, 4140 E. State Street, Hermitage, PA 16148-3401
15318327	+ Kohl's, Peritus Portfolio Services II, LLC, PO BOX 141509, IRVING, TX 75014-1509
15296151	+ Midland Credit Management, Inc., PO Box 2037, Warren, MI 48090-2037
15300386	+ Nissan Motor Acceptance Corporation, PO Box 9013, Addison, Texas 75001-9013
15293265	+ Nissan Motor Finance, P.O. Box 660360, Dallas, TX 75266-0360
15307708	+ Norwin School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15308539	+ Quicken Loans, LLC, 635 Woodward Avenue, Detroit, MI 48226-3408
15293268	+ Somerset Trust Company, P.O. Box 777, 151 West Main Street, Somerset, PA 15501-2068

TOTAL: 16

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 10 2021 02:19:12	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15306536	Email/Text: bnc@atlasacq.com	Apr 10 2021 02:07:00	Atlas Acquisitions LLC, 492C Cedar Lane, Ste 442, Teaneck, NJ 07666
15293253	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Apr 10 2021 02:20:23	Capital One, P.O.Box 30285, Salt Lake City, UT 84130-0285
15293254	Email/PDF: Citi.BNC.Correspondence@citi.com	Apr 10 2021 02:21:38	Citibank North America, Citibank SD MC 425, 5800 South Corp Place, Sioux Falls, SD 57108
15293256	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Apr 10 2021 02:07:00	Comenity Bank/Big Lots, P.O. Box 182125, Columbus, OH 43218-2125
15293257	+ Email/Text: bdsupport@creditmanagementcompany.com	Apr 10 2021 02:08:00	Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
15295378	Email/Text: mrdiscen@discover.com	Apr 10 2021 02:07:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15293258	+ Email/Text: mrdiscen@discover.com	Apr 10 2021 02:07:00	Discover Financial Services, P.O. Box 3025, New Albany, OH 43054-3025

District/off: 0315-2

User: gamr

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15293262	+ Email/Text: PBNCNotifications@peritusservices.com	Apr 10 2021 02:07:00	Kohls/Capital One, Kohls Credit, P.O. Box 3043, Milwaukee, WI 53201-3043
15308743	Email/PDF: MerrickBKNotifications@Resurgent.com	Apr 10 2021 02:19:07	MERRICK BANK, Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
15293263	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Apr 10 2021 02:19:07	Merrick Bank, P.O. Box 9201, Old Bethpage, NY 11804-9001
15293264	+ Email/PDF: pa_dc_claims@navient.com	Apr 10 2021 02:20:25	Navient, Attn: Claims Dept., P.O. Box 9500, Wilkes-Barr, PA 18773-9500
15293266	+ Email/PDF: cbp@onemainfinancial.com	Apr 10 2021 02:20:21	Onemain Financial, Attn: Bankruptcy, P.O. Box 3251, Evansville, IN 47731-3251
15316047	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Apr 10 2021 02:20:25	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15298587	Email/Text: bnc-quantum@quantum3group.com	Apr 10 2021 02:07:00	Quantum3 Group LLC as agent for, Credit Corp Solutions Inc, PO Box 788, Kirkland, WA 98083-0788
15315541	Email/Text: bnc-quantum@quantum3group.com	Apr 10 2021 02:07:00	Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
15293267	+ Email/Text: bankruptcyteam@quickenloans.com	Apr 10 2021 02:08:00	Quicken Loans, 1050 Woodward Avenue, Detroit, MI 48226-3573
15293269	Email/PDF: ais.sprint.ebn@americaninfosource.com	Apr 10 2021 02:20:22	Sprint, 6480 Sprint Parkway Building 13, Overland Park, KS 66251
15294006	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:20:22	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15293270	+ Email/PDF: gecsed@recoverycorp.com	Apr 10 2021 02:20:22	Synchrony Bank/JC Penney, Attn: Bankruptcy Department, P.O. Box 965064, Orlando, FL 32896-5064

TOTAL: 20

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Quicken Loans, LLC
cr	*P++	ATLAS ACQUISITIONS LCC, 492C CEDAR LANE SUITE 442, TEANECK NJ 07666-1713, address filed with court:, Atlas Acquisitions LLC, 492C Cedar Lane, Ste 442, Teaneck, NJ 07666
cr	*+	Norwin School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15293260	##+	Excelsa Health, One Mellon Way, Latrobe, PA 15650-1096

TOTAL: 1 Undeliverable, 2 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 11, 2021

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: gamr

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Date Rcvd: Apr 09, 2021

Form ID: 149

Total Noticed: 36

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 9, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Quicken Loans LLC bnicholas@kmlawgroup.com
Jennifer L. Cerce	on behalf of Creditor Norwin School District jlc@mbm-law.net
Office of the United States Trustee	ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecpeople@grblaw.com PNGbankruptcy@peoples-gas.com
Suzanne M. Bash	on behalf of Joint Debtor Jennifer R. Ward suzannembash@yahoo.com sooz1205@yahoo.com
Suzanne M. Bash	on behalf of Debtor Thomas A. Ward III suzannembash@yahoo.com, sooz1205@yahoo.com

TOTAL: 7